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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,612	06/10/2005	Petrus Theodorus Jutte	NL021441	8940
24737 7590 12/23/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER NWAKAMMA, CHIBUTKE K				
ART UNIT 2627		PAPER NUMBER		
MAIL DATE 12/23/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,612

Applicant(s)

JUTTE, PETRUS THEODORUS

Examiner

CHIBUIKE K. NWAKAMMA

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification does not show the headings for Background of Invention, Brief Summary of Invention, Brief Description of Drawings, and Detailed Description of Invention. Appropriate correction is required.
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama et al (US 6163409) in view of Jutte et al (WO 02/089126 A1).

Regarding claim 1, Uchiyama discloses an apparatus comprising an optical head having an optical axis for reading and/or writing data in an optical carrier having a circular shape, comprising tracks wound round the center of the carrier (Fig. 1 and Fig. 3, element 101; col. 1, lines 5-11, col. 9, lines 3-7 and 29-30. It is clear that the apparatus of Fig. 1 comprises optical axis), this apparatus comprising:

an optical assembly constituting said head (Figs. 3-4, element 200) for providing a light spot onto the carrier (Fig. 3, elements 28, 101; Fig. 6A), having a main light path direction defined by the direction of the light emitted by a first laser device (Figs. 3-4, element 18) and/or by reflecting mirror devices (Figs. 3-4, element 15 and col. 20, lines 43-44), and an exit pupil (Fig. 1, element 19); and

a moving part (Fig. 3, elements 202-205) for moving said optical head 200 in a moving direction which is perpendicular to the tracks (Figs. 3 and 5, element W1-W2), the light path direction and the moving direction enclosing an angle of about 45° for achieving adequate light intensity at the level of said exit pupil (col. 3, lines 25-29 and col. 12, lines 58-62). However, does not disclose said direction of the light emitted from

said first laser device enclosing an angle of about 90° with respect to the optical axis of said optical head.

Jutte discloses first laser diode 102 and second laser diode 126 emitting light and the direction of light emitted enclosing an angle of 90° with respect to an optical axis of an optical head (Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uchiyama using the teachings of Jutte by adjusting/shifting Uchiyama's light source unit 28 from an angular position of 60° to an angular position of 90° for the purposes of optimizing as much of the incident beam as possible so to couple the beam into a main optical path and to transmit as much as possible of reflected beam (Jutte; page 7, lines 5-8).

Regarding claim 3, Uchiyama in view of Jutte discloses an apparatus as claimed in claim 1.

Uchiyama further teaches wherein the magnitude of said angle is $45^\circ \pm 1$ (col. 3, lines 25-29; col. 12, lines 58-62 and col. 25, lines 15-17; Magnitude of angle is 45 degrees and less than 45 degrees).

Regarding claim 5, Uchiyama in view of Jutte discloses an apparatus as claimed in claim 1, suitable for optical carriers of the DVD recordable type (Uchiyama; Fig. 3, element 101 and col. 9, lines 3-10), wherein the spot is a diagonal spot having a 45° orientation with regard to the track direction (Uchiyama; Fig. 20B, element Tr and col. 20, lines 42-45).

Regarding claim 6, Uchiyama in view of Jutte discloses an apparatus as claimed in claim 1.

Uchiyama further teaches wherein a beam shaper is provided in the light path of the laser (Fig. 1, elements 14, 16, 19; col. 7, lines 56-59 and col. 4, lines 12-13).

Regarding claim 7, Uchiyama in view of Jutte discloses an apparatus as claimed in claim 1.

Jutte further teaches wherein a second laser device is provided (Fig. 2); wherein light emitted from said second laser device is substantially parallel to said light emitted from said first laser device (Fig. 2).

Regarding claim 9, Uchiyama in view of Jutte teaches an optical head suited for an apparatus as claimed in claim 1 (Uchiyama; Fig 3 element 200).

Regarding Claim 8, Uchiyama teaches a method of reading and/or writing an optical data carrier (Col. 1 lines 5-11), comprising the steps of:

providing an angle of about 45° between a main light path direction of an optical head and tracks which are fitted in the data carrier, so as to satisfy requirements for reading and/or writing this optical data carrier (Figs. 3 and 5; col. 3, lines 25-29 and col. 12, lines 58-62). However, does not teach providing an angle of about 90° between an output of a laser provided for generating said main light path and the main light path direction of said optical head.

Jutte discloses providing an angle of about 90° between an output of a laser provided for generating said main light path and the main light path direction of said optical head (Fig. 2, elements 126 and 102).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uchiyama to include the teachings of Jutte where an angle of about 90° is provided between an output of a laser provided for generating said main light path and the main light path direction of said optical head, so, to optimize as much of the incident beam as possible in order to couple the beam into a main optical path and to transmit as much as possible of reflected beam (Jutte; page 7, lines 5-8).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama (US 6,163,409) in view of Jutte et al (WO 02/089126 A1) and applicants admitted prior art (AAPA: Specification page 5 lines 23-25).

Regarding claim 4, Uchiyama in view of Jutte teaches an apparatus as claimed in claim 1. However, does not teach wherein said angle is given by a correct illumination of said exit pupil, considering that a diagonal oval spot is required for a processing of data on said carrier.

AAPA does teach wherein said angle is given by a correct illumination of said exit pupil, considering that a diagonal oval spot is required for a processing of data on said carrier (Specification page 5 lines 23-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Uchiyama with AAPA for the purpose of recording onto a CDR (W).

Response to Arguments

6. Applicant's arguments filed 14 October 2008 with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

On page 5 of applicant's remark, applicant stated "In the outstanding official action, the disclosure was objected to because the specification does not show headings, and a preferred layout was suggested. In response, this suggestion is acknowledged, but headings have not been added as they are not required in accordance with MPEP §608.01(a)".

The Examiner has noted applicant's response, however, 37 CFR 1.77(b) and (c) indicates adding section headings of the specification sections defined in paragraphs (b)(1) through (b)(12).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaiho et al (US 2003/0185136 A1), Jutte et al (US 6650613 B2), (US 7009928 B2), and (US 2002/0051247 A1); Jutte (US 6683838 B2) and (US 203/0039197 A1).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHIBUIKE K. NWAKAMMA** whose telephone number is (571)270-3458. The examiner can normally be reached on **Mon-Thur**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 5712727579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. K. N./
Examiner, Art Unit 2627
04 December 2008

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627